

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 12TH JANUARY 2007 / 22ND PAUSHA 1928

Crl.Rev.Pet.No. 2316 of 2005(D)

CRA.418/2003 of ADDL.SESIONS COURT (ADHOC)III, MANJERI
ST.194/1999 of CHIEF JUDICIAL MAGISTRATE COURT, MANJERI
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REVN. PETITIONER: APPELLANT/ACCUSED.

P.M.SASIBHOOSHAN, S/O.LATE
GOPALAKRISHNAN NAIR, SENIOR AUDITOR, OFFICE OF
THE ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES
KARUVAMBRAM, MANJERI MALAPPURAM DISTRICT.

BY ADV. SRI.BABU S. NAIR

RESPONDENTS: COMPLAINANT AND STATE.

1. P.RAMANI, W/O.K.V.GOVINDANKUTTY,
KAKKATTU HOUSE, VALLIKKAPPATTA POST,
MALAPPURAM DISTRICT.
2. THE STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM, KOCHI 31.

R1 BY ADV. SRI.B.R.MURALEEDHARAN
SRI.K.BIJU

R2 BY PUBLIC PROSECUTOR SRI. C.K. SURESH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD
ON 12/01/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R. BASANT, J.

Crl.R.P..No. 2316 of 2005

Dated this the 12th day of January, 2007

ORDER

This revision petition is directed against the concurrent verdict of guilty, conviction and sentence in a prosecution under Section 138 of the N.I. Act.

2. When this revision petition came up for hearing, it is submitted at the Bar by counsel for the rival contestants that the matter has been settled and the offence has been compounded by the complainant. A joint compromise petition duly signed by the rival contestants and counter signed by their respective counsel is also filed. The learned counsel for the respondent/complainant vouches that the signature appearing in the application for composition is that of the complainant.

3. The offence under Section 138 of the N.I. Act is now compoundable after the amendment to the N.I. Act. I am satisfied, from the submissions made at the Bar and the joint statement filed by them, that the parties have settled their dispute amicably. I find no reason not to accept the composition.

4. In the result:

(a) Crl.M.A.No. 410 of 20076 is allowed and the composition is accepted.

(b) The acceptance of the composition shall have the effect of acquittal of the accused of the offence punishable under Section 138 of the N.I. Act as stipulated under Section 320(8) Cr.P.C.

© Consequently, this revision petition is allowed. The impugned judgments are set aside. The bail bond executed by the accused shall stand discharged and he is set at liberty.

5. It is said that an amount of Rs.1,00,000/- is in deposit before the trial court. The counsel pray that the said amount may be released to the petitioner/accused. Request accepted. The amount, if any, deposited shall be released to the petitioner/accused.

(R. BASANT)
Judge

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